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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,206	01/21/2004	Kia Silverbrook	RRA21US	1340
24011 7590 12/10/2008 SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA				
EXAMINER				
GARCIA JR, REIN:				
ART UNIT		PAPER NUMBER		
2853				
MAIL DATE		DELIVERY MODE		
12/10/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/760,206

Applicant(s)

SILVERBROOK, KIA

Examiner

RENE GARCIA JR

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05 November 2008 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 6, 2, 3 are rejected under 35 U.S.C. 102(a) as being anticipated by Silverbrook (WO 03/068517 A1). For convenience, examiner has marked up a copy of the reference to highlight portions of the specification relevant to the rejection and has provided attached it with this office action.

Silverbrook discloses the following claimed limitations:

*regarding claim 6, inkjet printer system/**100**/ comprising: (Fig. 1, 2; ABS; Page 1,
3)

*printer/~~100/~~ having an inkjet printer cradle (inherent to have a cradle/carriage to house the printhead/cartridge) having a body defining a recess for receiving a single cartridge/~~printhead, 112; cartridge, 114/~~ (Page 4, 5)

*range of cartridges, each cartridge comprising a printhead having at least one performance characteristic that differentiates it from others in the range, the at least one performance characteristic including a print speed of the printhead (Page 4, 5)

*wherein, the printer performance is adjustable upon replacement of one cartridge from the set of supported cartridges with another cartridge from the set of supported cartridges (Page 5)

*regarding claim 2, inkjet printer cartridges are of a type having a pagewidth printhead (Page 1)

*regarding claim 3, inkjet printer cartridges are of a type having an internal ink store in fluid communication with the pagewidth printhead (Page 4 – printhead and ink cartridge may be separate units or combined in a single unit)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook (WO 03/068517 A1) in view of Komplin et al. (US 6,199,977).

Silverbrook et al. discloses all the claimed limitations except for the following:

*regarding claim 4, inkjet printer cartridge not supported by a particular inkjet printer cradle is formed with a protrusion, or an indentation, that interferes with an indentation, or a protrusion, of the particular inkjet printer cradle upon attempting to insert said cartridge into said cradle

Komplin et al. teaches the following:

*regarding claim 4, inkjet printer cartridge/**ink cartridge, 12/** not supported by a particular inkjet printer cradle/**cartridge slots; 134, 136, 138, 140/** is formed with a protrusion, or an indentation,/**keying member, 50/** that interferes with an indentation, or a protrusion, of the particular inkjet printer cradle/**cartridge slots; 134, 136, 138, 140/** upon attempting to insert said cartridge/**12/** into said cradle/**cartridge slots; 134, 136, 138, 140/** (fig. 5, col. 6, lines 42-51)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize an inkjet printer cartridge not supported by a particular inkjet printer cradle is formed with a protrusion, or an indentation, that interferes with an indentation, or a protrusion, of the particular inkjet printer cradle upon attempting to insert said cartridge into said cradle as taught by Komplin et al. into Silverbrook for the purpose of preventing incompatible equipment from being inserted to the printer.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook (WO 03/068517 A1) in view of Carrese et al. (US 6,390,615).

Silverbrook disclose all of the claimed limitation except for the following:

*regarding claim 5, indicia are present on the inkjet printer cartridges and on the inkjet printer cradles to indicate whether a particular inkjet printer cartridge is supported by a particular inkjet printer cradle

Carrese et al. disclose the following:

*regarding claim 5, indicia/**colored indicia/** are present on the inkjet printer cartridges/**ink tank, 200/** and on the inkjet printer cradles/**ink tank support structure, 100/** to indicate whether a particular inkjet printer cartridge/**ink tank, 200/** is supported by a particular inkjet printer cradle/**ink tank support structure, 100/** (col. 6, lines 39-54)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to indicia are present on the inkjet printer cartridges and on the inkjet printer cradles to indicate whether a particular inkjet printer cartridge is supported by a particular inkjet printer cradle as taught by Carrese et al. into Silverbrook for the purpose of helping the user put an appropriate tank into the correct location.

Response to Arguments

7. Applicant's arguments with respect to claim 6 have been considered but are moot in view of the new ground(s) of rejection. Silverbrook (WO 03/068517 A1) teaches a cartridge with a printhead included, with the inkjet printer capable of using different cartridge/printhead (range of) based on performance characteristics including printhead speed.

Communication with the USPTO

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RENE GARCIA JR whose telephone number is (571)272-5980. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. G./
Examiner, Art Unit 2853

/Manish S. Shah/
Primary Examiner, Art Unit 2853